IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 184 OF 2005

IN

FAMILY COURT APPEAL NO. 30 OF 2002

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Ms.S.A. Vaidya for the Applicant.

Mr.Shastrabudhe for the Respondent.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 30TH AUGUST 2005

P.C. :

1. Heard Ms.Vaidya in support of this Civil Application. Mr.Shastrabudhe appears for the Respondent.

2. This Civil Application seeks restoration of Appeal which was dismissed for default by another Division Bench on 6th June 2005. Explanation is given as to why nobody was present when the matter reached before the concerned Division Bench. Affidavit in reply is filed to oppose restoration. We have gone through the reply.

3. Considering the explanation given in the Civil Application and considering the fact that it is a Family Court Appeal, it is desirable that it should be decided on its merits. We therefore allow this Civil Application in terms of prayer (a). The order of dismissal for default will stand set aside. Appeal will stand restored to the file. Appeal be listed in the final hearing list in the first week of October 2005.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)